

Longmeadow Charter Commission Minutes
DATE: December 3, 2003 TIME: 6:32pm-9:10pm
PLACE: School Committee Room, Longmeadow High School

This was the 23rd meeting of the Longmeadow Charter Commission. Present: Kathleen E. Grady, William Hoff, R. Peter Landon, Arlene C. Miller (Vice Chair), Roger F. Nadeau, Joseph A. Occhiuti, Rebecca M. Townsend (Clerk), and Roger B. Wojcik (Chair). Absent: Susan R. Altman. Also present: Mr. Thomas Groux, charter advisor. 4 members of the public were present.

Mr. Wojcik opened the meeting to **public comment**. Gerry Nolet asked if the Commission would outline the course of action. Mr. Wojcik answered that the Commission would finalize the model charter and publish it as per state law in a newspaper of general circulation (we will make it available on www.longmeadow.org as well). The state requires another public hearing following the preliminary report's publication. That will occur in January. We then have time to fine-tune the charter before sending a final report to the state. The whole charter will be distributed, per state law, to every household, and be on the May 2004 ballot. This schedule will be outlined on www.longmeadow.org.

Diane Nadeau asked if the Commission would print a 2-3-page synopsis of the charter, in layman's terms. Dr. Grady noted that the Roundtable Discussion handout is a good place to look. Mr. Hoff said that the preliminary report would have a section prior to the actual charter that outlines the major features and compares and contrasts them with the current arrangement. [first name?] [Sturton] said that the handout answered a lot of questions. Mr. Nolet praised the latest update.

1. Mr. Wojcik opened **review of the minutes of November 25, 2003**. Ms. Miller asked that the time adjourned be added and the location be corrected. Ms. Miller moved that the minutes be accepted as amended; Mr. Hoff seconded, and **minutes were approved as amended**.
2. Ms. Townsend indicated that as Clerk she is compiling all correspondence and reminded Commissioners to keep checking Suggestion Boxes in the Storrs Library, Town Hall, and Greenwood Senior Center. She also said that she has been checking the chartercommission@longmeadow.org address almost daily and sending copies of this correspondence to the Charter Commission members' email addresses. In addition to these, and to sending out draft minutes for members to read prior to the meeting, she will compile as public records, such internal, electronic correspondence.
3. Mr. Wojcik, also a member of the Capital Planning Committee, opened discussion on the **Capital Improvement Program** the town currently uses. **The Capital Planning Committee (CPC) gathers a list of proposed town-funded projects; each item must have a value of \$10,000 and a life of more than 5 years. The CPC makes recommendations to the Select Board.**
 - a. **The CPC solicits lists of capital projects for this year through the next 4 years from all departments. The CPC prioritizes this year's requests and rate them**

on criteria like seriousness, urgency, and growth. They then establish a “list of lists.”

- b. If a large project comes before the CPC, they work with all the groups to create a plan. Dr. Grady asked Mr. Wojcik how the CPC establishes priority. **High priorities are given to any state or federal mandate (like the Americans with Disabilities Act mandates), public safety matters, or if there is an emergency or urgency.** How long a project has waited also factors into decisions, as does whether the department or area has not received a recommendation in a while.
 - c. **The Appropriations Committee has just set up a Stabilization Fund to handle capital projects, now 2% of the budget.** Qualifications for using this fund are that the proposed expense is a capital item that has a 5-year (or more) life. If the project is under budget, the money goes to the Stabilization Fund.
 - d. **The original design of the CPC included having a representative from each of the School Committee, Board of Selectmen, and Appropriations Committee as voting members.** The Board of Selectmen is responsible for the final recommendations to Town Meeting.
 - e. When the High School needed a new roof, a project beyond the Stabilization Fund’s scope, the CPC worked collaboratively with the School Committee and others to remove other big School Department items from the CPC list and ask for an override, a \$3.3million bond. The Commission noted that other projects seem to circumvent this process (e.g. some Water and Sewer projects).
 - f. Mr. Groux noted that **most towns have a similar process as Longmeadow.** The question for the Charter would be how to fit the CPC process into the new Town Manager process. After much discussion about whether the CPC should make recommendations to the Select Board first or the Town Manager first, we decided that all departments should submit proposals to the Manager, who would then submit lists to the CPC. All projects larger than \$10,000 would flow through the CPC process. Mr. Hoff said that feasibility studies ought to go through the CPC. Dr. Grady asked about whether we should require Building Committees. Ms. Miller noted that feasibility studies are not capital projects, and Mr. Landon added that soft costs, like environmental impact studies, go into the big total costs for projects. We noted that there should be a separate warrant article for feasibility studies.
 - g. **The CPC is made up of 6 citizens. To allow flexibility, the specifics of their membership will be left to by-laws not the charter.**
4. Mr. Wojcik noted that we would proceed to the Nov. 25, 2003 working draft charter section 7-8, **Financial Public Records.** We debated keeping this item in; it is redundant to state law requiring all statements summarizing the budget and the capital improvement program shall be made available in the Town Manager’s office, as per Massachusetts Public Records Law. **Since it is short and reassuring, we agreed to keep it in the charter.**
 - a. Mr. Occhiuti asked who would release money from overlay accounts, if, for example, the Board of Assessors (BA) were elected or appointed? The BA can spend money in the overlay account on abatements, or could put the remainder in the general fund.

- b. The Finance Committee would still be able to have a Reserve Account as the Appropriations Committee does now.
5. We discussed 7-9, **Approval of Financial Warrants, (i.e. Bills or Expenses like payroll)**. In the charter, this duty (for town and school) falls to the Town Manager.
6. Section 7-10 concerns the **Audit Committee**. Mr. Groux noted that there was a problem with Mr. Landon's original handout concerning the Audit Committee, that the Town Accountant is obligated to establish certain procedures. Mr. Landon agreed and said that this group is advisory. We decided to omit the final sentence of the section regarding consultations on financial matters.
7. Section 8-1 concerns charter changes. **In order to amend the Charter in many ways, 2/3rds of Town Meeting must approve a change plus hold a referendum. There are numerous exceptions, which can only be changed by a Charter Commission (like number and term for selectmen, school committee, and town manager, as stated in MGL article LXXXIX [89]). The charter refers to this by article number.** We discussed whether to indicate all the possible exceptions. Mr. Groux advised, and we decided, not to list all possible exceptions, and **keep just the reference to article 89, since the MGL could change in the future and our charter would then be inconsistent with the MGL;** we'd be stuck with the old model. An option would be to put an appendix in the charter indicating what all the exceptions as of May 2004 would be.
8. We agreed that the **severability** clause was necessary (that should any part of the charter be deemed invalid, the entire charter would not be affected).
9. We also reviewed other "boilerplate" common items for charters. We debated 8-8, **Rules and Regulations**, a provision requiring all town agencies file copies of all rules and regulations with the town clerk. Mr. Groux indicated that it is hard for agencies to keep all their numerous rules and regulations up-to-date in the Clerk's office, and that this provision is optional. Noting that agencies still would be required to post their own rules and regulations in their own offices, 4 members (Grady, Landon, Miller, Townsend) **agreed that we could omit this provision.** (Mr. Occhiuti preferred that the provision stay in; Hoff, Nadeau, and Wojcik abstained.). We noted that we could insert this provision into town functioning via a warrant article.
10. Regarding Section 8-9, **Re-Enactment (i.e. Re-approval) and Publication of By-Laws**, we decided to omit this lengthy provision that would call for Town Meeting to re-vote on every by-law every 10 years.
11. We discussed section 8-10, **Procedures for Multi-Member Bodies**. This provision, redundant to state law, lists procedures all boards and committees would follow. Most members (Grady, Hoff, Miller, Nadeau, Occhiuti, and Wojcik) **agreed to remove it.** Two members prefer that it remain (Landon and Townsend), in order to serve as a guide for committees.

12. **Mr. Hoff will ask Town Clerk Louise Lines regarding sections 8-11a & b., regarding Election party designation and Ballot Position of names** (alphabetical or lottery, and whether re-election status is noted next to incumbents' names)
13. Article 9 concerns **Transitional Provisions**. We agreed to **9-1, 9-2, noting that the existing town laws and agencies shall continue to function**. Section 9-3 protects employees, explained Mr. Groux. We discussed the importance of ensuring employees that they would retain their status as employed with the town, and agreed to the modification of the working charter, as follows: **“Any person holding a town office or employment [at the time the charter is adopted] under the town shall retain such office or employment and shall continue to perform [the position’s] duties until provisions shall have been made in accordance with the charter for the performance of the said duties by another person or agency. Persons in the permanent full-time service or employment of the town shall, [as a result of the charter] [shall not have their pay reduced] or time in service [altered.]”**
14. We agreed that section 9-4 Transfer of Records and Property, should remain.
15. We discussed 9-5, the **Time of [the charter’s] Taking Effect**. We discussed when a special election should be held to elect 2 additional Select Board members. It is important to have the election soon after the charter’s adoption, Mr. Groux noted, so that the transition can be made smoothly. Some had concerns about how long the Clerk would need to prepare ballots. **Mr. Hoff will check with Ms. Lines.**
16. At our next meeting, December 10, 2003 (Storrs Library) we will finish reviewing all sections of the charter. We will review feedback from public hearings. Mr. Occhiuti said that he would not be able to attend Saturday’s Roundtable discussion, due to the recent death of his brother. All members expressed their condolences. Mr. Nadeau agreed to pick up the signs advertising the discussions.
17. Mr. Occhiuti moved to adjourn. Ms. Townsend seconded. Members voted to adjourn. Mr. Wojcik adjourned the meeting at 9:10pm.

Approved December 10, 2003

Respectfully submitted,

Rebecca M. Townsend, Clerk